

**Board of Game and Inland Fisheries
Meeting Minutes
4000 West Broad Street
Richmond, Virginia 23230**

July 14, 2009, 9:00am

Present: Charles S. Yates, Chairman, James W. Hazel, Vice-Chairman, Mary Louisa Pollard, Richard E. Railey, Jr., Ward Burton, Sherry Crumley, John W. Montgomery, Jr., Thomas Stroup, Dr. William t. Greer, Jr., and Randy K. Kozuch; **Director:** Robert W. “Bob” Duncan; **Legal Counsel:** Roger Chaffe; **Senior Staff:** Matt Koch, Charlie Sledd, Lee Walker, Ray Davis, David Whitehurst, Bob Ellis, Major Steve Pike, Major Mike Clark, Gary Martel and Larry Hart.

The Chairman welcomed everyone and called the meeting to order at 9:00am. The Mission Statement was read into the record by Mr. Richard E. Railey, Jr. and the Pledge of Allegiance was led by Peer Group 2 of the Leadership Development Program. The Chairman noted for the record that a quorum was present for today’s meeting and a closed session will be called during these proceedings.

Recognition of Employees and Others: The Chairman called upon the Director, Bob Duncan for staff introductions and presentations.

Mr. Duncan introduced the new Chief Operating Officer, Mr. Matt Koch. Prior to joining the agency, Matt worked as president of Productive Knowledge, LLC, a company he founded that provides expertise to help organizations overcome productivity challenges, get control of their information, and accelerate their business processes. Before leaving to launch his own company, Matt worked for Capital one from 1999 to 2008 as director of Human Resources Operations and as director of Productivity and Knowledge Management. In those positions he designed new processes and acquired new technological tools to improve employee support and workforce productivity.

He joined Capital One after a highly successful career with the U. S. Navy. From 1985 to 1999 served as an officer and pilot with an impressive career that included flight duty in San Diego and three deployments to the Persian Gulf. He led flight operations for a 13-aircraft squadron with 72 flight personnel, coordinated overseas operations with multi-national military forces, and managed multi-million dollar budgets to the dollar. For five years he worked in the Pentagon providing support to several senior staffs including the White house, the Secretary of the Navy and the Joint Staff.

Matt earned his Bachelor of Arts degrees in Public Policy Studies and Economics from Duke University and a Masters of Public Administration from Harvard University. He is a Certified Knowledge Manager and completed a Certificate for Nonprofit Management from Duke University in June 2009.

Matt and his family reside in Glen Allen, Virginia.

Mr. Koch stated it is a distinct honor to become a member of the Agency. After working for a period of time in the private sector, Mr. Koch is looking forward to working again in the public sector and making a contribution to the citizens of the Commonwealth and those who visit Virginia.

The Director called upon Mr. Gary Martel to introduce Mr. John Ross of Trout Unlimited to present their Conservationist of the Year Award recipient for Virginia. The award was presented to Mr. Paul Bugas, Senior Fisheries Biologist. Trout Unlimited recognized him for his extensive work on trout resources including management and monitoring of wild trout populations, developing numerous special regulation trout streams, and development of the Lake Moomaw and Jackson Rive trout fisheries. Mr. Bugas is also well known for his aquatic educational efforts and was recognized specifically for his assistance with Trout Unlimited's Trout in the Classroom program and providing education support for TU's youth conservation stamp.

Mr. Bugas thanked Trout Unlimited for the award.

On behalf of the Board, the Chairman congratulated Matt on his new position as the Chief Operating Officer. The Chairman also congratulated Mr. Bugas on receiving his award. The Chairman also noted the exceptional qualifications of the staff.

The Director called upon Mr. David Whitehurst and Major Steve Pike to present Ms. Tamara Neo, Commonwealth's Attorney for Buchanan County with a plaque of appreciation for her work involving the case with Potesta and Associates involving illegal collection of the variegate darter. Ms. Neo worked closely with Law Enforcement and Wildlife Diversity to reach a large settlement in this case.

Ms. Neo stated it was a pleasure to work with the Law Enforcement staff and the Wildlife Diversity staff and have their support during all of the Court proceedings.

The Chairman thanked Ms. Neo for her attendance at the meeting today and her dedication to bringing resolution to this case.

Major Pike called upon Captain Bobby Mawyer to present the International Hunter Education Association Professional of the Year Award. This award is presented to Sgt. David Dodson, Virginia's State Coordinator for the Hunter Education Program. Captain Mawyer gave the following presentation:

Mr. Chairman, Members of the Board, Mr. Duncan,

On behalf of Colonel Watts, It is with a great deal of pleasure that I ask Sgt. David Dodson to join me at the podium at this time....

At their conference held recently in Toronto, Canada, the International Hunter Education Association named Sergeant David Dodson, the International Hunter Education Association Professional of the Year. This prestigious award is presented to an employee of a state or province and recognizes outstanding service in the field of hunter education. We are pleased and honored that David's efforts with hunter education in Virginia are recognized and rewarded on an international level.

David has been a hunter education instructor since becoming a field officer some 24 years ago, and has continued to teach this vital public safety curriculum despite moving up the ranks to his current administrative position. In 1998, he became a Master Instructor and has to date worked more than 23,000 hours towards the promotion of hunter education in Virginia and throughout North America.

During his tenure as our State Hunter Education Coordinator, David has overseen the enhancement of our Alternative Delivery course, which is an Internet-based class in addition to on-site, hands-on testing, and now taught in every region of the state. He has worked on the development of a contemporary class

manual to keep pace with today's changing demographics and conservation-related activities. Recognizing a trend in tree stand-related hunting incidents, Sgt. Dodson developed a specialized cadre of expert instructors to train our hunter education instructors on tree stand safety and thus, further disperse this important information into classrooms throughout the Commonwealth.

In addition, Sgt. Dodson continues to promote and conduct public hunting events for our youth such as rabbit and deer hunts. He is active with the Cedar Mountain shooting sports team in Culpeper, where he instructs young people in firearm safety, ethical hunting practices, and hunting laws.

When the Virginia Hunter Education Instructors Association was founded in 2007, Sgt. Dodson was instrumental in working with the charter members, advising them on legal matters, their mission statement, goals and objectives, and how this organization could best work in unison with our agency to promote the ideals of safe and ethical hunting.

In 2008, David requested, coordinated and managed the on-site visit of a team of hunter education professionals from the federal, state and private sectors for the purpose of evaluating our program in Virginia. (I applaud David for having the courage to open our doors and records to such detailed scrutiny!) After this review, which also included interviews with some of our almost 900 volunteer instructors, we were provided a very positive report. Under his direction, some of the recommendations of this team are currently being implemented.

Sgt. David Dodson is known to be an officer of unquestionable integrity. He is a man of principle, a police officer and an educator who has dedicated his professional life to hunter safety and hunter education. For these reasons, I am proud to stand before you and report, that the International Hunter Education Association has selected him to be their Professional of the Year.

Please join me in congratulating Sgt. David Dodson for this outstanding accomplishment!!!

Thank you!

Major Pike called upon Major Clark to present the Complementary Workforce Volunteer of the Year Award. This award was presented to Ms. Patricia Wood, Region 5, of Clifton Virginia. Major Pike also introduced the 3 Region Volunteers of the Year Award Recipients: Mr. Hugh Jones, Region 1; Mr. Frank Showalter, Region 4 and Ms. Patricia Wood, Region 5.

On behalf of the Board, the Chairman congratulated all who had received their awards and thanked them for their service to the agency.

Mr. Duncan also extended his congratulations to each recipient and thanked them for their service and dedication to the agency.

Mr. Duncan introduced members of Peer Group 2 who are present today: Julia Dixon, DGIF Headquarters; Mike Fies, Region IV; Hank Garner, DGIF Headquarters and Captain Mike Minarik, Region 1. Mr. Chris Dahlem, Region 1 was unable to attend today. They will join the Board during lunch today. As part of their continuing assignment, the Fellows are to report on their observations and experiences during the monthly teleconferences.

Public Comment – Non-Agenda Items: The Chairman stated those who had registered to speak on agenda items would be recognized during those portions of the meeting. The Chairman stated if you are representing a group or organization, you have 5 minutes and if you are speaking as an individual, you have 3 minutes.

All persons requesting to make public comment on agenda items are requested to complete the Department of Game and Inland Fisheries Board Meeting Comment Form. This form requests the following information: Date; Topic of Discussion; Name and address; Telephone number; Whether or not you are representing a group and, if so, the name of the group represented; Are your comments for or against the proposals; other.

Mr. Charles Montgomery, Buchanan, Virginia, who represents the Virginia Bear Hunters Association, presented the Board and Director with a copy of the following letter which was read for the record:

July 14, 2009

*Mr. Robert W. Duncan, Executive Director
Director's Office
Virginia Department of Game and Inland Fisheries
4010 W. Broad Street
Richmond, Virginia 23230*

Re: Additional hunting/training opportunities for bear hound hunters

Dear Mr. Duncan:

On behalf of the Virginia Bear Hunters Association I want to express our appreciation For the opportunities afforded us in the recent regulation process. Although our attempt to have a special bear stamp added to the hunting license failed, we feel that your staff and the board of directors have heard our request and will give it serious consideration as the review the overall license fee structure. We further thank you and the board for hearing our concerns regarding the additional bear hunting seasons that have been added this year. We trust t hat the results of that additional bear hunting will be closely monitored to avoid an overkill situation.

While are aware that the regulation process has ended for this year we want to go on record and ask that the board of directors, at their earliest opportunity, increase length of bear chase season to include the entire month of August.

If you have any questions, please feel free to contact me.

Sincerely,

*Charles Montgomery
President*

The Chairman thanked Mr. Montgomery for his letter.

Mr. Tom Evans, Richmond, Virginia, who represented the Virginia Houndsman and Sporting Dog Association, spoke regarding a Bath County bear issue concerning a kill permit for bear at a dumpster location.

Ms. Debra Scot, Richmond, Virginia, spoke regarding rescue on rivers and lakes.

Approval of June 2, 2009 Board Meeting Minutes: The Chairman stated the minutes of the meeting have been distributed for review and posted to the Web Site. The Chairman stated the minutes have been revised to reflect the presence of Legal Counsel who was also in attendance at the June 2, 2009 Meeting. He called for discussion and approval of the June 2, 2009 meeting

minutes: **Mr. Montgomery made the following motion: Mr. Chairman, I move the minutes be approved as submitted. Motion seconded by Ms. Pollard. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.**

Informational Presentation – Lake Tecumseh: The Chairman called upon Mr. Duncan for his presentation. Mr. Duncan requested this item be deferred to another meeting. This issue is still under review by staff.

Presentation of the 2009-2010 Webless Migratory Game Bird, Early Goose, and Teal Seasons: The Chairman called upon the Director to introduce the Wildlife Division Staff. Mr. Ellis gave the following presentation:

The U. S. Fish and Wildlife Services (USFWS) provides the framework for all migratory game bird seasons within which the Department selects certain season options. The Federal frameworks for webless migratory game bird seasons and the September goose and teal seasons were set at the Service Regulation Committee (SRC) meetings held on June 24 and 25. The season frameworks are similar to last year with the only exception being the September teal season framework. This year states in the Atlantic Flyway are offered up to a 16 day season in September. In previous years states have been offered a 9 day season framework.

Wildlife Division staff held a public input meeting on June 20, 2009 to receive public comment on webless seasons and September goose and teal seasons. Twenty six individuals from the public attended the meeting. Comments received are summarized in the report. In addition comments were also received on the web and by mail and are included in the summary. Staff recommends the Board adopt the Webless Migratory Game Bird, September Canada Goose, September Teal and Falconry seasons and bag limits as presented.

DOVE

Federal Framework:

Outside Dates: September 1, 2009-January 15, 2010
Hunting days may run consecutively or be split into no more than 3 segments.

Season Length: Not more than 70 days.

Bag Limit: 15 daily and 30 in possession

Shooting Hours: Between ½ hour before sunrise and sunset daily (State may Select ½ day shooting in any segment).

Staff Recommendation:

Season Dates: September 5 – September 26 (22 days)
October 7 – November 7 (32 days)
December 25 – January 9 (16 days)

Bag Limit: 15 daily and 30 in possession

Shooting Hours: Noon until sunset in first segment
½ hour before sunrise until sunset in last 2 segments

RAILS: (Clapper, King, Sora and Virginia)

Federal Framework:

Outside Dates: September 1, 2009-January 31, 2010
Season Length: 70 days, straight or 2 segments
Bag Limit: Clapper/King – 15 daily, 30 in possession
Sora/Virginia – 25 daily, 25 in possession

Staff Recommendation:

Season Dates: September 8 – October 3 (22 days)
October 5-November 17 (44 days)

Bag Limit: Clapper/King 15 – counted together daily, 30 in possession
Sora/Virginia 25 – counted together daily, 25 in possession

Shooting Hours: ½ hour before sunrise until sunset

Notes: - This recommendation provides 32 days of 3-foot or greater lunar tides
- Non-Toxic shot is now required for Rail and Snipe hunting in Virginia.

WOODCOCK

Federal Framework:

Outside Dates: October 1, 2009-January 31, 2010
Season Length: 30 days, straight or 2 segments
Bag Limit: 3 daily, 6 in possession
Shooting Hours: ½ hour before sunrise until sunset daily.

Staff Recommendation:

Season Dates: November 7 – November 21 (15 days)
December 26 – January 9 (15 days)

Bag Limit: 3 daily, 6 in possession

Shooting Hours: ½ hour before sunrise until sunset

COMMON SNIPE

Federal Framework:

Outside Dates: September 1-2009 – January 31, 2010
Season Length: 107 days, straight or 2 segments
Bag Limit: 8 daily, 16 possession
Shooting Hours: ½ hour before sunrise until sunset

Staff Recommendation:

Season Dates: October 8 – October 12 (5 days)
October 21-January 30 (102 days)

Bag Limit: 8 daily, 16 in possession

Shooting Hours: ½ hour before sunrise until sunset

CANADA GOOSE

Federal Framework:

Outside Dates: September 1 – September 25, 2009
Bag Limit: 15 daily, 30 in possession
Shooting Hours: ½ hour before sunrise to sunset (except as provided for in special hunting options*)

*SPECIAL HUNTING OPTIONS: Allows the use of electronic calls, unplugged shotguns and extended shooting hours (½ hr. after sunset) when **no other** waterfowl seasons are open.

Staff Recommendation:

Season Dates: September 1-September 25 (22 days)
Bag Limit: 10, daily 20 in possession
Hunt Area: Statewide
Shooting Hours: **East of I-95**
September 1 – 19: ½ hr. before sunrise to ½ hr. **after** sunset.
September 21-25: ½ hr. before sunrise **to** sunset.

West of I-95

September 1-25: ½ hr. before sunrise to 1/2hr. **after** sunset.

Note: Staff is not recommending the options of using electronic calls or unplugged shotguns for hunting geese in the September Season.

SEPTEMBER TEAL SEASON

Federal Framework:

Outside Dates: September 1 – September 30, 2009

Season Length: Up to 9 days if BPOP>3.3 million
Up to 16 days if BPOP>4.7 million

Bag Limit: 4 daily, 8 in possession (Blue-winged and Green-winged teal only)

Shooting Hours: ½ hour before sunrise to sunset

Staff Recommendation:

Season Dates: September 21 – September 30 (9 days)

Hunt Area: East of I-95

Bag Limit: 4 daily, 8 in possession (any combination of Blue-winged and Green-winged teal)

Shooting Hours: ½ hour before sunrise to sunset

FALCONRY

Federal Framework:

Outside Dates: September 1, 2009 – March 10, 2010
Season Length: Not more than 107 days on any species
(Firearms and Falconry combined).
Bag Limit: 3 daily, 6 possession
Hawking Hours: ½ hour before sunrise until sunset.

Staff Recommendation:

NOTE: Actual dates cannot be determined until firearm season for the species are set by the Board. No combination of falconry and firearms hunting can exceed 107 days for any species. Staff requests permission to calculate permissible dates for each species within the allowable federal framework. If staff recommendations for dove, rail, woodcock, and snipe were not changed significantly, the recommended falconry seasons would be:

SEASON DATES:

Dove:	September 5-November 7	(64 days)
	November 28-January 9	(43 days)
Rail:	September 8- December 23	(107 days)
Woodcock:	October 16 – 30	(107 days)
Snipe:	October 8 – October 12	(5 days)
Goose:	September 1 – September 25	(22 days)
Teal:	September 21 – September 30	(9 days)
	(east of I-95)	

Note: In states where Sunday hunting is prohibited, Federal rule closes Sundays to all take of waterfowl, including falconry.

Ms. Crumley asked Mr. Ellis about the decline of dove hunters as indicated on the table provided in their packet. Mr. Ellis indicated that the numbers for the 2008 season were preliminary and that the number of dove hunters usually average around 26,000 to 29,000 hunters. He indicated the difference could also be a function of the way the Service derives the estimates from their surveys.

The Chairman stated for the record that he had not received any request from the Public to speak on the staff's recommendations.

The Chairman called for a motion to adopt the staff's recommendations for the Webless Migratory Game Bird, September Canada Goose, September Teal and Falconry season and bag limits as recommended by staff. Mr. Hazel made the following motion: Mr. Chairman, I hereby move that the Board adopt the Webless Migratory Game Bird, September Canada

Goose, September Teal and Falconry seasons and bag limits as recommended by staff and to further authorize staff to modify seasons and bag limits, if necessary, to comply with the established Federal Frameworks. Motion Seconded by Ms. Crumley: Ayes: Kozuch, Burton, Railey, Crumley, Hazel, Yates, Stroup, Montgomery, Pollard and Greer.

Committee Reports: The Chairman noted for the record the following committees had not met since the June 2, 2009 Board meeting:

Finance, Audit and Compliance Committee – The next scheduled meeting is September 15, 2009 beginning at 5:30pm in the Board Room.

Education, Planning and Outreach Committee – The next committee meeting it to be announced.

The Chairman called upon Mr. Railey to report on the activities of the Wildlife and Boat Committee Meeting– Mr. Railey reported on the activities of the June 25, 2009 Committee Meeting. The Committee received reports on regulation amendments presented this morning by the Wildlife Division; Climate Change; Highland New Wind Development and Fish Disease update. The Committee received an update on the new Boating Safety Education Law and approved the minutes of the May 11, 2009 Committee Meeting. The next committee meeting is to be announced.

The Chairman thanked Mr. Railey for his report and called for a 5 minute break. The meeting resumed at 10:22am.

Director's Report: The Chairman called upon the Director, Bob Duncan for his report. Mr. Duncan gave the following report:

Mr. Duncan recognized Jason Hallacher, Fish Biologist who also works with the Complementary Work Force program in Region 4.

Mr. Duncan thanked the Wildlife Division staff for their work on the presentation today and reported the numbers for the Spring Gobbler season.

Mr. Duncan provided the following update on HIP – prior to this year, we would receive at the end of the year a reimbursement from the Fish and Wildlife Service for the names and addresses of migratory game bird hunters supplied to them by the states. Each state is required to collect the name and addresses of migratory game bird hunters and provide them to the FWS. We would receive \$0.10 for each name. They are discontinuing this reimbursement. The agency plans to look at charging for the annual HIP registration beginning with the 2010 season to recoup the cost of this unfunded mandate. The fee has not been determined and would be worked out with the current vendor handling the HIP registration process. For the 2009 season, HIP would remain at no cost to the hunter.

Mr. Duncan provided an update on the Short Hills project. Phase 1 of this project is complete.

Mr. Duncan also made reference to the “International Flavor” of today’s meeting. Mr. Duncan noted that DGIF Staff attends the Flyway Council Meetings. Agency representation at these meetings is important since they are addressing migratory species that are international and our presence insures that Virginia’s interests are considered when it come to the management of these species and setting hunting seasons as we did today.

The Chairman thanked Mr. Duncan for his report.

Chairman's Remarks: The Chairman made the following remarks:

Mr. Yates thanked the Board for their vote of confidence to serve this year as the Board Chairman. This is an exciting and progressive time for the agency with the implementation of the recommendations from the Management Study, new office relocation, the Quail Study Plan, and the discussions about elk restoration.

Mr. Yates attended the 5th CPO Graduation. He had the distinct pleasure of presenting the Board Award and encouraged the other Board Members to attend the next graduation.

Mr. Yates presented the new Committee Assignments. Mr. Yates has asked Mr. Hazel to work with the Education, Planning and Outreach Committee to review the Committee Charters. Mr. Yates asked the Board to consider having one set of Committee Meetings prior to a Board Meeting. Mr. Hazel will bring his report back to the Board for review at a later date.

At 10:40 am the Chairman called for the Closed Session Motion. Dr. Greer made the following motion:

CLOSED MEETING MOTION – JULY 14, 2009

Mr. Chairman,

I move that the Board go into a closed meeting pursuant to Section 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property with respect to:

A possible property transfer in Hanover County regarding the Headquarters relocation.

And pursuant to Section 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Department of Game and Inland Fisheries specifically regarding the performance of the Director.

Motion Seconded by: Mr. Stroup. Ayes: Kozuch, Burton, Railey, Crumley, Hazel, Yates, Stroup, Montgomery, Pollard and Greer.

At 11:22am, the Chairman called for the Certification of the Closed Session. Dr. Greer made the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Game and Inland Fisheries has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Game and Inland Fisheries hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Certification seconded by: Mr. Railey. Ayes: Kozuch, Burton, Railey, Crumley, Hazel, Yates, Stroup, Montgomery, Pollard and Greer.

Mr. Hazel made the following motion: Mr. Chairman, To facilitate implementation of Item C-113.05 of the 2009 Appropriations Act, I hereby move that the Board authorize the Director to proceed to accept approximately 6 \pm acres of land in Hanover County to be known as the Atlee Tract, and such authorization shall be according to state procedures. Motion Seconded by: Mr. Railey. Ayes: Kozuch, Burton, Railey, Crumley, Hazel, Yates, Stroup, Montgomery, Pollard and Greer.

Additional Business/Comments: The Chairman called upon Mr. Bob Ellis of the Wildlife Division. Mr. Ellis requested the August Board Packages be mailed one week prior to the August Board Meeting to accommodate the preparation of the Migratory Waterfowl Regulation Amendments. The Chairman indicated that this would be allowed.

Mr. Duncan noted that the Board had received in their folders this morning a copy of the current Freedom of Information Act (FOIA) information.

Mr. Yates stated he would be meeting with the Secretary of Natural Resources tomorrow morning.

The Chairman called for any additional business or comments. Hearing none the meeting was adjourned at 11:30am. The next meeting will be held on August 18, 2009.

Respectfully submitted,

Beth B. Drewery
Secretary, Board of Game and Inland Fisheries